

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICOH CO., LTD.,

No. C-03-4669 MJJ (EMC)

Plaintiff,

v.

**AMENDED ORDER RE PLAINTIFF'S
MOTION FOR SANCTIONS**AEROFLEX, *et al.*,**(Docket No. 358)**Defendants.


The hearing on the motion is continued until May 3, 2006. The parties shall meet and confer to resolve this dispute. As stated in open court, the Court provides the following guidance. The disclosure of the disputed ASICs should be informed by the liberal rules of discovery. As to the disclosure of commercial ASICs, "commercial" should be broadly construed. Ricoh's proposed definition as including all ASICs synthesized using Design Compiler and for which Defendants received any revenue between 1997 and the present appears reasonable. As to AMI, it is not unreasonable to require that ASICs synthesized by subsidiaries and business units controlled by AMI be disclosed. Aeroflex, et al. should be prepared to produce the disclosures and related documents in May (not June, as indicated in the April 19, 2006 order) and the parties should complete associated depositions by the first week of June in order to comply with the expert disclosure and other ensuing deadlines. The Court is disinclined to recommend the issue and evidentiary sanctions requested by Ricoh provided the Aeroflex defendants cooperate in stipulating to prompt disclosures and discovery.

1 The meet and confer may commence with telephonic discussions between lead partners. If
2 complete resolution is not reached, the lead partners shall meet and confer in person at an agreed
3 upon location. The non-traveling party shall pay for the reasonable transportation costs of the
4 traveling party. The parties are ordered to engage in diligent and good faith negotiations.

5 The parties shall notify the Court by April 28, 2006 as to any stipulation reached and what, if
6 anything, remains in dispute. Given the guidance provided by the Court, the Court fully expects this
7 dispute to be resolved through the meet and confer process. Should the Court conclude that any
8 party is engaged in bad faith in these negotiations, it will impose sanctions.

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10 IT IS SO ORDERED AS AMENDED.

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12 Dated: April 20, 2006

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15 EDWARD M. CHEN
16 United States Magistrate Judge
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